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William H. Drummond
5000 Birch Street
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OFFICE OF PETITIONS

ON PETITION

In re Application of
Douglas D. Burkett
Application No. 09/936,800
Filed: November 13, 2001
Attorney Docket No. 344-P-28-USA

This is a decision on the petition under 37 CFR 1.137(b), filed October 15, 2003, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 12, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight June 12, 2003.

A review of the record reveals that no response to the non-final Office has been received. Therefore, the above-identified application cannot be revived until a response to the non-final Office action has been submitted. A courtesy copy of the non-final Office action mailed March 12, 2003, is enclosed for petitioner's records.

The Office sincerely apologizes for the delay in responding to the instant petition, and any inconvenience caused to petitioner by this delay.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
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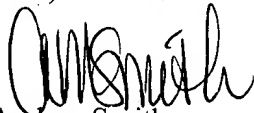
By Hand: Customer Window
2011 South Clark Place
Crystal Plaza Two, Lobby
Room 1B03
Arlington, VA 22202

Responses filed by Hand delivery on and after June 5, 2004, should be addressed as follows:

**U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop PETITION
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202**

By Fax: Attn: Office of Petitions
(703) 872-9306

Telephone inquires concerning this decision should be directed to the undersigned at (703) 308-6711.



Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Non-final Office action dated March 12, 2003